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UNCLAS PARIS 003877

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FROM USMISSION UNESCO PARIS

E.O. 12958: N/A

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SUBJECT: UNESCO: USG DELEGATION FINAL STATEMENT AT CULTURAL DIVERSITY NEGOTIATIONS, JUNE 3, 2005

1. Robert S. Martin, the co-head of the United States delegation to the UNESCO-based discussions concerning a draft Cultural Diversity Convention, summarized the USG objections to the proceedings in a 3 June oral statement delivered during the concluding session of the talks. The text follows.

2. Begin text.

The Final Statement of the United States Delegation by the The Honorable Robert S. Martin:

The draft convention produced by this Working Group is deeply flawed and fundamentally incompatible with UNESCO's Constitutional obligation to promote the free flow of ideas by word and image.

As we have noted from our very first intervention in these negotiations last September, the United States is among the most culturally diverse countries in the world and proudly celebrates its diversity.

We came here fully prepared to help craft an effective instrument to promote cultural diversity. We had hoped for genuine dialogue and true consensus.

However, as this meeting progressed, we have not only observed but have been told repeatedly that this convention is not about culture. What we have seen in various press reports and official statements is that this convention is actually about trade. In fact, the trade agenda was so compelling that we even had to bend UNESCO's long-established rules to accommodate the participation of the European Commission, which has competency for trade, not culture.

Because it is about trade, this convention clearly exceeds the mandate of UNESCO. Moreover, it could impair rights and obligations under other international agreements and adversely impact prospects for successful completion of the Doha Development Round negotiations. In so doing, it will set back progress toward the economic liberalization that has done so much to increase prosperity throughout the world, particularly in developing countries, where culture plays such an important role in development.

The United States tried to turn these deliberations in a positive direction at every stage from the moment we reentered UNESCO. Our entreaties for a serious negotiating process to produce a convention that would encourage and promote cultural diversity have been largely ignored.

We are also concerned because the process in which we have been engaged has not had the collegial atmosphere characteristic of UNESCO meetings, probably because of the artificial urgency to produce a completed text in a short period of time. Although the legal advisor has pointed out that the charge to this Intergovernmental Meeting is to develop a "preliminary draft of a convention," we were instead instructed by the Chair to produce a clean final text.

The manner in which the Intergovernmental Meetings have been conducted has inhibited rather than encouraged negotiation and deliberation. The rules of procedure-as well as UNESCO's normal practices-have been inconsistently applied and at times completely ignored. The insistence on voting under the guise of "signification" has encouraged division rather than fostering the development of consensus.

What we have done here in the past week has undermined the spirit of consensus that normally characterizes the work of UNESCO. It will surely weaken UNESCO's reputation as a responsible, thoughtful international organization.

In spite of the disappointing results of the past week, the United States still hopes there remains a possibility to achieve a truly consensus convention worthy of UNESCO.

End text.

OLIVER